

BUSINESS COMMITTEE
ADMINISTRATIVE RULES REVIEW
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2011 Legislative Session

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IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-1002 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-4107, 39-4112, and 39-4113, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [October 6, 2010 Idaho Administrative Bulletin, Vol. 10-10, pages 104 through 109.](#)

FEE SUMMARY: the following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 39-4112 and 39-4113, Idaho Code:

The technical service fee will be increased from thirty-six dollars (\$36) to one hundred dollars (\$100) to reflect the actual cost of providing such service; and fees were added to the building permit fee schedule to reflect permit fees for projects over one million dollars (\$1,000,000). Plan review fees were adjusted from a percentage of the calculated building permit fee to an hourly rate. This is expected to reduce the price of its plan review fees for the majority of plans submitted.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Overall fiscal impact to the state is expected to be neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, (208) 332-8986.

DATED this 28th day of October, 2010.

Steve Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
P. O. Box 83720
Boise, ID 83720-0048
Phone: (208) 332-8986
Fax: (208) 855-2164

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-4107, 39-4112, and 39-4113, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Division of Building Safety has recently implemented an electronic system of plan review called DOX, which allows its plan review staff to more efficiently process and review submitted plans. This has allowed DBS to change the responsibilities of plan review personnel and reduce expenditures to the plan review department. The result of which is the ability of DBS to reduce the price of its plan review fees for the majority of plans submitted by charging for such services on an hourly basis instead of as a percentage of the permit fee. Additionally, the current technical service and system submittal plan review fees do not accurately reflect the cost to DBS of providing such services. Finally, the permit fee schedule has not been updated in several years and currently does not appropriately establish a permit fee for construction work above one million dollars (\$1,000,000). The rule would establish that plans may be submitted to DBS in an acceptable format, including electronic, with sufficient clarity to determine conformity with applicable codes; amend the technical service and system submittal plan review fee to one commensurate with the cost of providing such services; provide a more specific fee schedule for construction work above one million dollars (\$1,000,000) and codifies the DBS permit fee refund policy; and, finally, provide that plan review fee services will be charged at an hourly rate with a minimum required fee.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The technical service fee will be increased from thirty-six dollars (\$36) to one hundred dollars (\$100) to reflect the actual cost of providing such service; and fees were added to the building permit fee schedule to reflect permit fees for projects over one million dollars (\$1,000,000). Plan review fees were adjusted from a percentage of the calculated building permit fee to an hourly rate. This is expected to reduce the price of its plan review fees for the majority of plans submitted. Statutory authority to charge permit fees and plan review fees are contained in Sections 39-4112 and 39-4113, Idaho Code, respectively.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

Overall fiscal impact to the state is expected to be neutral.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the changes being made to the rules.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 27th day of August, 2010.

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 07-0301-1002

028. PLAN REVIEW.

01. Jurisdiction. The Division shall have exclusive jurisdiction and authority to conduct plan reviews of the construction, additions, repairs, and occupancy of all state buildings regardless of the source of funding for such construction, addition, repair, or occupancy.

(3-30-06)

02. Plans Specifications. ~~Plans~~ **Construction documents** shall be **dimensioned and drawn to scale and shall be on uniformly sized standard stock drawing sheets not to exceed thirty-six (36) inches by sixty (60) inches upon suitable material.** ~~Plans may be submitted electronically or in digital format as approved by the Division.~~ **Drawing format shall be equivalent to the paper format. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the installations will conform to the provisions of the building code and applicable laws, rules, and policies of the Division.**

~~(3-30-06)~~(____)

~~**03. Plan Review Fees.** Plan review fees shall be sixty five percent (65%) of the calculated building permit fee.~~

~~(3-30-06)~~

043. Plans Not Required. Plans shall not be required for group U occupancies of Type V conventional light-frame wood construction.

(3-30-06)

054. Addenda and Change Orders.

(3-30-06)

a. Documents enforcing changes or modifications. Addenda, contract change orders, changes-in-work requests, and other similar written documents enforcing changes or modifications to plans or specifications, already approved by the Division, which addenda, change orders, or change-in-work requests deal with structural or fire resistance changes, or such other changes affecting code conformance, shall be submitted to the Bureau for approval. The use of the terms “addenda,” “change orders,” and “changes-in-work requests” shall not be limited exclusively to such phraseology, but shall be inclusive of such other language used in the professions which essentially have the same meaning.

(3-30-06)

b. Application provisions. The provisions of this Section shall apply to that work which will be accomplished.

(3-30-06)

029. FEES.

The following fee schedule shall be applicable for the functions cited:

(3-30-06)

01. Document Fees.

(3-30-06)

a. The administrator shall charge such reasonable and suitable fees necessary for copies of any record, plan approval, permit, map, sketch, drawing or other instrument.

(3-30-06)

b. Charges for copies of separate published documents shall be actual cost to the Division plus postage.

(3-30-06)

02. Technical Service Fee. ~~Thirty-six~~ **One hundred** dollars (\$~~36~~**100**) per hour.

~~(3-30-06)~~(____)

03. Modular Building Fees. Other than as herein specified in this Section, the fee schedule for modular buildings shall be as provided herein in Table 1-A, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture.

(3-30-06)

~~04. **Systems Submittal Plan Review Fee.** For all systems, the plan approval fees shall be charged at thirty-six dollars (\$36) per hour. (3-30-06)~~

054. Insignia Tag Fee. In instances where building permit fees are not charged for modular buildings, a one hundred dollar (\$100) fee will be charged for an insignia. (3-30-06)

065. Payment of Fees. Fees shall be paid to and collected by the Division. (3-30-06)

076. Commercial Coaches. Other than as herein specified in this Section, the fee schedule for commercial coaches shall be as provided in Table 1-A, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (3-30-06)

087. Building Permit Fees. The building permit fee for each permit shall be as set forth in ~~Section 107.2 and Table 1-A of the Uniform Building Code, 1997 edition, as seen in~~ the following table. The determination of value or valuation shall be made by the administrator and shall be the total value of all construction work for which a permit is issued. ~~(3-30-06)()~~

TABLE 1-A - BUILDING PERMIT FEES	
Total Valuation	Fee
\$1 to \$500	= \$23.50
\$501 to \$2,000	= \$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	= \$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	= \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	= \$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	= \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	= \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up to \$5,000,000	= \$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof, to and including \$5,000,000
\$5,000,001 to \$10,000,000	= \$20,208.75 for the first \$5,000,000 plus \$2.75 for each additional \$1,000, or fraction thereof, to and including \$10,000,000
\$10,000,001 and up	= \$33,958.75 for the first \$10,000,000 plus \$2 for each additional \$1,000, or fraction thereof

~~(3-30-06)()~~

098. Plan Review Fees. Plan review fees shall be charged at an hourly rate of one hundred dollars (\$100) per hour up to a maximum of sixty-five percent (65%) of the calculated

building permit fee with a minimum required fee of forty percent (40%) of the calculated building permit fee. All requests for plan review services shall at such time be accompanied by a payment in the amount of at least forty percent (40%) of the calculated building permit fee. Upon completion of the plan review, any additional fees, above the minimum required, shall be due to the Division by the requesting party. (~~3-30-06~~)()

~~409.~~ **Refund of Plan Review Fees.** There shall be no refund of plan review fees. (3-30-06)

10. Refund of Permit Fees. The Administrator may authorize a refund of any permit fee paid which was erroneously paid or collected. The Administrator may authorize a refund of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with these rules. The Administrator shall not authorize a refund of any permit fee paid except upon written application filed by the original applicant not later than one hundred eighty (180) days after the date of permit issuance. ()

(BREAK IN CONTINUITY OF SECTIONS)

038. INTEGRATED DESIGN AND FUNDAMENTAL COMMISSIONING OF PUBLIC SCHOOL FACILITIES.

01. Definitions. The following definitions are intended to supplement, and should be read in conjunction with the definitions contained in Section 33-356, Idaho Code. (3-29-10)

a. Fundamental Commissioning. A quality-focused process for enhancing the delivery of a project. It makes use of a qualified third party employed directly by the building owner. (3-29-10)

b. Integrated Design. Integrated design refers to a collaborative design effort in which each of the individual architectural or engineering professionals focuses on the whole building approach, with an emphasis on optimizing the building's performance, environmental sustainability, and cost-savings, to include climate, use, loads and systems resulting in a more comfortable and productive environment, and a building that is more energy-efficient than would be realized using current best practices. (3-29-10)

02. Technical and Educational Information. Technical and educational information related to integrated design and fundamental commissioning in the form of the American Institute of Architects Integrated Project Delivery Guide; Portland Energy Conservation, Inc. (PECI) Commissioning Guides; ASHRAE Guideline 0-2005-The Commissioning Process; and the Northwest Energy Efficiency Alliance Integrated Design Special Focus on Energy Performance Guide is available at the Division office locations including 1090 E. Watertower St., Meridian, Idaho 83642, and 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814. A building commissioned under the prescriptive approaches defined by any of the above-named national organizations is deemed to have completed the Fundamental Commissioning process. (3-29-10)

03. Commissioning Agents. The Division has compiled and made available for public examination a list of all known third party building commissioning agents in Idaho and its contiguous states. The Division has ensured that all such commissioning agents appearing on this list have been certified by the Building Commissioning Association (BCA) or other similar certifying entity. (3-29-10)

04. Annual Optimization Review. (3-29-10)

a. A public school building which qualifies for the school building replacement value calculation pursuant to Section 33-356(5)(a), Idaho Code, shall undergo an annual optimization review each year following the first year of operations that the involved school district seeks to qualify such building for the building replacement value calculation. (3-29-10)

b. The systems within a building required to undergo annual optimization review, as well as any relevant measuring criteria for such systems, shall be formulated by the third party commissioning agent that performs the initial fundamental commissioning. The school district shall be provided with a written report from the commissioning agent identifying the systems which will be subject to the annual optimization review along with any other requirements. (3-29-10)

c. The report required above in Paragraph 038.03.b. of these rules shall include, but is not limited to, at least the following: (3-29-10)

i. Verification that the heating, ventilation, and air conditioning (HVAC) controls, dampers, valves, sensors and other equipment used to control the system are functioning as they were at the commissioning of the building. (3-29-10)

ii. Verification that the lighting controls are functioning as they were at the commissioning of the building. (3-29-10)

iii. The requirement that any changes made to any of the controls contained on the agent's list after the initial commissioning be re-set back to the commissioned settings unless it can be demonstrated that the new settings result in greater energy efficiency. (3-29-10)

d. The annual optimization review shall be performed by persons qualified to make the required determinations and adjustments. (3-29-10)

e. The school district shall submit to the Division written verification indicating that the systems identified by the commissioning agent, including those identified in this Section are functioning as they were at the initial commissioning. Such written verification shall also identify the persons performing the optimization and their qualifications. (3-29-10)

05. Commissioning Anniversary Date. The date upon which the commissioning agent provides the school district with the required written report described in Paragraph 038.03.b. of these rules shall be the commissioning anniversary date for purposes of this Section. If a school district seeks to qualify a building for the building replacement value calculation, the annual optimization review shall be performed within thirty (30) days of the annual commissioning anniversary date following the first year the building is in operation. The written

verification required by Paragraph 038.03.e. of these rules shall be received by the Division not later than sixty (60) days after the annual commissioning anniversary date. (3-29-10)

06. Fundamental Building Commissioning Requirements. (3-29-10)

a. School districts seeking to qualify a building for the building replacement value calculation shall engage a building commissioning agent. (3-29-10)

b. The commissioning agent must document the owner's requirements for each commissioned system in the facility. All HVAC and controls systems, duct work and piping, renewable and alternative technologies, lighting controls and day lighting, waste heat recovery, and any other advanced technologies incorporated in the building must be commissioned. Building envelope systems must also be verified. The owner's requirements for these systems may include efficiency targets and other performance criteria such as temperature and lighting levels that will define the performance criteria for the functional performance testing that occurs prior to acceptance. (3-29-10)

c. The commissioning agent shall include commissioning requirements in the project construction documents. This includes the scope of commissioning for the project, the systems to be commissioned, and the various requirements related to schedule, submittal reviews, testing, training, O & M manuals, and warranty reviews. (3-29-10)

d. The commissioning agent shall develop and utilize a commissioning plan. This plan must include an overview of the commissioning process for the project, a list of commissioned systems, primary commissioning participants and their roles, a communication and management plan, an outline of the scope of commissioning tasks, a list of work products, a schedule, and a description of any commissioning testing activities. (3-29-10)

e. The commissioning agent must submit a report to the owner once the commissioning plan has been executed. (3-29-10)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.22.01 - RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM
GAS SAFETY BOARD

DOCKET NO. 24-2201-1001 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-5310 and 54-5312, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [October 6, 2010 Idaho Administrative Bulletin, Vol. 10-10, pages 407 and 408.](#)

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-5313, Idaho Code.

This rule establishes a dealer-in-training license and a \$50.00 fee for the license.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 3rd day of November, 2010.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED FEE RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-5310 and 54-5312, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho State Liquefied Petroleum Gas Safety Board has always required a year of supervised practical experience for licensure as a dealer. This rule establishes a dealer-in-training license and a \$50 fee for the license. This new status will allow the board to clearly verify that the applicant has obtained supervised experience under an Idaho licensed dealer.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

This rule establishes a dealer-in-training license and a \$50.00 fee for the license pursuant to 54-5313, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There could be an annual increase in dedicated funds of approximately \$1200.00 based on the number of dealer applications that were received in fiscal year 2010.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because discussion on the changes were noticed on an agenda and discussed in a public meeting.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN

COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at 208 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 20th day of August, 2010.

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-2201-1001

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application fee - thirty dollars (\$30). (3-30-06)

02. Original Individual License and Annual Renewal Fee. License fee - seventy-five dollars (\$75). (3-29-10)

03. Dealer-in-Training License Fee. License fee - fifty dollars (\$50). ()

034. Original Facility License Fee and Annual Renewal Fee. Facility with ten thousand (10,000) gallon or less storage capacity - one hundred dollars (\$100). (3-29-10)

045. Original Bulk Storage Facility Fee and Annual Renewal Fee. Bulk Storage Facility with more than ten thousand (10,000) gallon storage capacity - four hundred dollars (\$400). (3-29-10)

056. Endorsement Fee. Endorsement fee - seventy-five dollars (\$75). (3-29-10)

067. Reinstatement Fee. Reinstatement fee - fifty dollars (\$50). (3-30-06)

078. Refund of Fees. No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license. (3-30-06)

(BREAK IN CONTINUITY OF SECTIONS)

250. PRACTICAL EXPERIENCE (RULE 250).

~~Each applicant shall provide certified proof that they have successfully completed one (1) of the following. (3-30-06)~~

01. Supervised Practical Experience. ~~Supervised~~ Each applicant shall provide certified proof that the applicant has successfully obtained at least one (1) year of practical experience ~~of no less than one (1) year~~ in an LPG facility while the applicant was under supervision of a licensed dealer. A person in the process of meeting the practical experience requirement must complete the education and examination requirements and ~~make application~~ apply for a dealer license within eighteen (18) months of beginning to obtain supervised experience. (3-30-06)()

02. ~~Other Experience~~ Dealer-in-Training License. Effective July 1, 2011, an individual may not begin obtaining supervised practical experience until the individual has applied for and obtained a dealer-in-training license from the board. Such license is issued on a "one-time" non-renewable basis and is for the purpose of enabling the individual to gain the supervised practical experience that the person must obtain to become an LPG dealer. The dealer-in-training license is valid for eighteen (18) months from the date of issue. The applicant must apply on such forms as may be prescribed by the board, and pay the required fee. (3-30-06)()

~~a. Applicants prior to July 1, 2006, must document practice for not less than five (5) years in the field for which they are applying for a license including LPG industry experience in Idaho prior to July 1, 2005. (3-30-06)~~

~~b. Applicants after July 1, 2006, but prior to January 1, 2007 must document supervised experience of no less than one (1) year in an LPG facility under supervision. A person in the process of meeting the practical experience requirement must complete the education and examination requirements and make application for a dealer license within eighteen (18) months of beginning to obtain supervised experience. (3-30-06)~~

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.25.01 - RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD

DOCKET NO. 24-2501-1001 (NEW CHAPTER - FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-5403, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The 2009 legislature passed Senate Bill 1133 which created the State Driving Businesses Licensure Board. The law was codified at Title 54, Chapter 54, Idaho Code, and the Board adopted temporary/proposed rules to implement the law. The legislature amended the law (House Bill 564) to add educational requirements for instructors, including continuing education. In response to these legislative changes the proposed rules include substantive changes to the temporary/proposed rules that were previously extended. Therefore, the temporary/proposed rules submitted in 2009 on docket 24-2501-0901 will be vacated and not submitted as pending rules. Rather, the Board is submitting this new set of proposed rules, which are needed to implement the law, as amended. The proposed rules also are needed to clarify ambiguities to insurance requirements, establish a deadline for the review of applications, and clarify on-line instruction.

Changes from the published proposed rule are necessary to correct an Idaho Code section reference in 010 of these proposed rules.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the [October 6, 2010 Idaho Administrative Bulletin, Vol. 10-10, pages 409 through 422.](#)

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The Board operates on temporary/proposed rules that were extended during the 2010 session. These rules have the same impact as the previously extended temporary/proposed rules. Like those temporary/proposed rules, which will be vacated and not submitted as pending rules, these proposed rules establish fees which will be deposited in the Bureau of

Occupational Licenses dedicated fund. The fees will be used by the State Driving Businesses Licensure Board to administer the act. Since all self governing boards are expected to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Cherie Simpson at 208 334-3233.

DATED this 10th day of November, 2010.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED FEE RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-5403, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2009 legislature passed Senate Bill 1133 which created the State Driving Businesses Licensure Board. The law was codified at Title 54, Chapter 54, Idaho Code, and the Board adopted temporary/proposed rules to implement the law. The legislature amended the law (House Bill 564) to add educational requirements for instructors, including continuing education. In response to these legislative changes the proposed rules include substantive changes to the temporary/proposed rules that were previously extended. Therefore, the proposed rules submitted in 2009 on docket 24-2501-0901 will be vacated and not submitted as a pending rule. Rather, the Board is submitting this new set of proposed rules, which are

needed to implement the law, as amended. The proposed rules also are needed to clarify ambiguities to insurance requirements, establish a deadline for the review of applications, and clarify on-line instruction.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The Board is setting fees as follows: initial application processing fee of \$50; original instructor license and renewal fee of \$50.00; Instructor apprentice permit fee of \$50; original business license fee and renewal of \$500 and the reinstatement fee of \$25.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The Board operates on temporary/proposed rules that were extended during the 2010 session. These rules have the same impact as the previously extended temporary/proposed rules. Like the proposed rule, which will be vacated and not submitted as a pending rule, these new proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the State Driving Businesses Licensure Board to administer the act. Since all self-governing boards are expected to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because discussion on the changes were noticed on an agenda and discussed in a public meeting.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at 208 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2010.

DATED this 25th day of August, 2010.

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-2501-1001

IDAPA 24
TITLE 25
CHAPTER 01

24.25.01 - RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD

000. LEGAL AUTHORITY (RULE 0).

In accordance with Section 54-5403, Idaho Code, the Idaho Driving Businesses Licensure Board hereby promulgates rules that implement the provisions of Chapter 54, Title 54, Idaho Code.

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001. TITLE AND SCOPE (RULE 1).

These rules are cited as IDAPA 24.25.01, "Rules of the Idaho Driving Businesses Licensure Board."

()

002. WRITTEN INTERPRETATIONS (RULE 2).

The Board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses.

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003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals are governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code.

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004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document.

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005. ADDRESS OF IDAHO DRIVING BUSINESSES LICENSURE BOARD (RULE 5).

The office of the Idaho Driving Businesses Licensure Board is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The phone number of the Board is (208) 334-3233. The Board's fax number is (208) 334-3945. The Board's e-mail address is drb@ibol.idaho.gov. The Board's official website can be found at www.ibol.idaho.gov.

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006. PUBLIC RECORDS (RULE 6).

The records associated with the Idaho Driving Businesses Licensure Board are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code.

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007. CHANGES IN LICENSEE INFORMATION (RULE 7).

01. Information Update. Each licensee must keep the Bureau current on the information that the licensee has placed on record with the Bureau. If a change occurs to the information that a licensee provided to the Bureau under Rules 150, 225 or 250, the licensee must

notify the Bureau in writing of the change within twenty (20) calendar days after the change occurs. The licensee must provide the Bureau, upon request, with appropriate documentation reflecting the change. ()

02. Address for Notification Purposes. The most recent mailing address on file with the Bureau will be used for purposes of all written communication with a licensee including, but not limited to, notification of renewal and notices related to disciplinary actions. Each licensee must keep the Bureau informed of the licensee's current mailing address. ()

008. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

01. Board. The Idaho Driving Businesses Licensure Board as created in Section 54-5403, Idaho Code. ()

02. Bureau. The Idaho Bureau of Occupational Licenses as created in Section 67-2602, Idaho Code. ()

03. Student. A person aged fourteen and one-half (14 1/2) up to seventeen (17) years. ()

011. -- 099. (RESERVED).

100. ORGANIZATION (RULE 100).

01. Meetings. The Board shall meet at least annually at such times and places as designated by the Chairman, or upon the written request of two (2) members of the Board. ()

a. All meetings shall be held in accordance with the Idaho Open Meeting Law, Chapter 23, Title 67, Idaho Code. ()

b. A minimum of three (3) Board members shall constitute a quorum and may exercise all powers and authority conferred on the Board in order to hold a meeting of the Board. A majority vote of the Board members present at a meeting shall be considered the action of the Board as a whole. ()

02. Organization of the Board. At the first meeting of each fiscal year, the Board shall elect from its members a Chairman, who shall assume the duty of the office immediately upon such selection. ()

a. The Chairman shall, when present, preside at all meetings, appoint with the consent of the Board, all committees, and shall otherwise perform all duties pertaining to the office of Chairman. The Chairman shall be an ex-officio member of all committees. ()

b. The Bureau shall provide such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. The Chief of the Bureau shall act as an agent of the Board and shall be the custodian of all records of the Board.

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101. -- 149. (RESERVED).

150. APPLICATION (RULE 150).

Each applicant for a license, permit, or other authority from the Board must submit a complete application on Board-approved application forms. The application must be accompanied by required fee(s). The Board will not review completed applications received ten (10) or fewer days before a Board meeting. The Board also will not review incomplete applications, including applications submitted without the required fee(s). Further, an applicant must provide, or facilitate the provision of, any supplemental information or documents requested by the Board. Any application on file with the Board where an applicant has failed to respond to a Board request or where the application has lacked activity for twelve (12) consecutive months will be deemed denied and will be terminated upon thirty (30) days written notice to the applicant unless good cause is established to the Board. ()

151. -- 174. (RESERVED).

175. FEES (RULE 175).

01. Fees. The following fees are established by the Board: ()

a. Initial application processing fee - fifty dollars (\$50). ()

b. Original instructor license fee and renewal fee - fifty dollars (\$50). ()

c. Instructor apprentice permit fee - fifty dollars (\$50). ()

d. Original business license fee and renewal fee - five hundred dollars (\$500). ()

e. Reinstatement fee - twenty-five dollars (\$25). ()

02. Refund of Fees. All fees are non-refundable. ()

176. -- 199. (RESERVED).

200. RENEWAL OF LICENSE (RULE 200).

01. Expiration Date. A license expires, unless renewed, on the birth date of an individual licensee, and on the anniversary date of the original license for a business, in accordance with Section 67-2614, Idaho Code. Licenses not renewed by those dates will be cancelled in accordance with Section 67-2614, Idaho Code. ()

02. Application for Renewal. In order to renew a license, a licensee must annually submit a timely, completed, Board-approved renewal application form and pay the required renewal fees. All renewals are subject to audit. When applying for renewal, the licensee must meet the following requirements: ()

a. The licensee must certify that the licensee continues to satisfy all requirements for the licensee's type of licensure, as set forth in Rules 225 and 250, and that the licensee is, and has been, in full compliance with Rule 007. The licensee must further certify that the licensee is in compliance with the Board's continuing education requirements. ()

b. An instructor licensee also must certify that the licensee does not suffer from any physical or mental condition or disease that would impair the licensee's ability to safely instruct drivers. ()

c. Every two (2) years, a driving instructor licensee must obtain a new medical certificate of the kind described in Subsection 250.05. The instructor licensee must annually certify that the licensee is in compliance with the requirements. ()

d. A business licensee that offers a Board-approved instructor apprentice training program must certify that the licensee's program has maintained compliance with the Board's program approval criteria as specified in Rule 275. ()

03. Reinstatement. Any license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, and subject to Subsection 201.01.c., below. ()

201. CONTINUING EDUCATION (RULE 201).

In order to protect the public health and safety and promote the public welfare, the Board has adopted the following rules for continuing education. ()

01. Continuing Education (CE) Requirement. Beginning July 1, 2012, each Idaho licensed driving instructor must annually complete a minimum of eight (8) hours of continuing education. ()

a. The licensee must certify on the licensee's renewal application that the licensee has complied with the annual CE requirements for the preceding twelve (12) months. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with the CE requirements. ()

b. A licensee is considered to have satisfied the CE requirements for the first renewal of the initial license. ()

c. After July 1, 2012, and prior to reinstatement of a license lapsed, canceled, or otherwise non-renewed for less than five (5) years, the applicant must provide proof of attendance of eight (8) hours of continuing education for the previous twelve (12) months. A license that has lapsed, been canceled, or otherwise not renewed for more than five (5) years may be reinstated in accordance with Section 67-2614, Idaho Code. ()

02. Hours. Credit for continuing education hours will only be given for actual time in attendance or for the time spent participating in the educational activity. One (1) hour of continuing education is equal to sixty (60) minutes. Courses taken by correspondence or on-line may be approved for continuing education if the courses require an exam or other proof of successful completion. Only four (4) hours of the required continuing education may be from correspondence, on-line, or self-study in each renewal period. The remaining hours must be in an

interactive setting that allows participants to communicate directly with the instructor. Each licensee must maintain proof of attendance or successful completion documentation of all continuing education courses for a period of three (3) years. ()

03. Providers/Sponsors/Subjects of Continuing Education. The continuing education must be provided by a nationally or regionally accredited college or university, a national or state driver education and traffic safety association such as the Idaho Association of Professional Driving Businesses, Driving School Association of the Americas, the American Driver Traffic Safety Education Association, and the American Automobile Association, transportation and law enforcement agencies, or other person or entity approved by the Board and must be germane to driver education. ()

04. Verification of Attendance. Each licensee must maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. ()

05. Failure to Fulfill the Continuing Education Requirements. The license will not be renewed for a licensee who fails to certify compliance with CE requirements. A licensee who makes a false attestation regarding compliance with the CE requirements is subject to disciplinary action by the Board. ()

06. Special Exemption. The Board has authority to make exceptions for reasons of individual hardship, including health, when certified by a medical doctor, or other good cause. Each licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. ()

202 -- 224. (RESERVED).

225. DRIVING BUSINESS LICENSE (RULE 225).

A driving business license enables a licensee to operate a driver education business at one (1), principal classroom location as designated in the application. The licensee may also utilize secondary locations for classroom instruction, so long as the business does not conduct driver education at any given secondary location for more than sixty (60) days in a one-year period. A driving business license is not transferable. The business licensee must conspicuously display the license at the business's principal classroom location. Each applicant must apply as required by Rule 150. ()

01. Applicant Identity. The applicant must provide such identifying information as may be requested by the Board including, without limitation, the following: ()

a. The applicant's legal name (i.e., the name of the natural person or business entity to be issued the license) and assumed business name(s), if any. ()

b. The applicant's social security number, if the applicant has no employees and is a natural person (including a sole proprietor acting under an assumed business name). If the applicant has employees or is not a natural person (e.g., is a general or limited partnership, corporation, limited liability partnership, or limited liability company), then the applicant must provide its employer identification number. ()

c. The names and addresses of the applicant's officers and shareholders having a twenty-five percent (25%) or greater ownership interest (if a corporation), members and managers (if a limited liability company), and partners (if a partnership). ()

d. The applicant's contact information, including its mailing address, physical address, and telephone number. ()

02. Criminal History Background Check. The applicant, if a natural person, and all persons listed under Paragraph 225.01.c. and Subsection 225.05 of these rules, must submit to a current, fingerprint-based criminal history check conducted by an organization approved by the Board. Each applicant must ensure that such persons submit a full set of their fingerprints, and any relevant fees, directly to the organization that conducts the criminal history check, and that the organization delivers the results directly to the Bureau. The Board will not process the application until the Bureau has received all the criminal history checks. ()

03. Classroom Locations and Certificates of Occupancy. Each applicant must list all principal and secondary classroom locations to be utilized by the business. The applicant must provide a certificate of occupancy issued to the building/room by the local fire marshal or the fire marshal's designated agent, for each classroom location other than a location in a public or private school building, government building, church, or synagogue. ()

04. Certificate of Vehicle Insurance. The certificate of vehicle insurance for each vehicle utilized by the driving business for driver education must accompany the application. The minimum coverage will include: ()

a. Medical Payment for each person - five thousand dollars (\$5,000); and either ()

b. Limit of liability (Combined single limit) - five hundred thousand (\$500,000) to apply to bodily injury and/or property damage; or ()

c. Limit of liability (Split limit). Bodily injury - two hundred-fifty thousand (\$250,000) per person/ five hundred thousand (\$500,000) each accident; Property damage - two hundred-fifty thousand (\$250,000) each accident. ()

05. List of Licensed Instructors. Before beginning to offer driver education, and at all times while offering driver education, a driving business must employ or have contracted with one (1) or more licensed driving instructors to teach the classroom instruction phase and behind-the-wheel training phase of the driver education to be provided by the business. The driving business must submit to the Bureau a current list of such licensed instructors with the application, and keep such list current after licensure. ()

06. Vehicles. An applicant for a driving business license must submit to the Bureau a list of the vehicles that the business will utilize when offering driver education. A business licensee may not utilize vehicles that do not appear on the list. Each vehicle must have dual control brake pedals, safety restraints for all passengers, a side view mirror on each side of the vehicle, and an additional rear view mirror or compatible viewing device for the exclusive use of

the instructor. A driving business must ensure that students are not allowed in a listed vehicle unless the vehicle is in a safe and proper operating condition. ()

a. Initial Inspection. An applicant may not include a vehicle on a business's vehicle list unless the vehicle has passed a vehicle inspection performed by an ASE mechanic or vehicle technician within the two (2) month period preceding the application. The inspection must be documented on the Board-approved inspection form included at Appendix A to these rules, or on such other similar forms as may be approved by the Board. The person who inspected the vehicle must sign the form, certifying that the vehicle generally is in a safe and proper operating condition, and that each inspected item passed inspection or, if found to be in need of repair, was repaired on a given date. The application must be accompanied by a separate, signed form for each listed vehicle. ()

b. Annual Inspection. A business licensee must ensure that each vehicle passes an inspection every twelve (12) months, and that the inspection is performed by an ASE mechanic or vehicle technician documented on the Board-approved form referenced in Paragraph 225.06.a. of these rules. If a vehicle fails an annual inspection, the business licensee must withdraw the vehicle from service. The business licensee may not use the vehicle for behind-the-wheel training until the vehicle passes a subsequent inspection and the business licensee has submitted to the Bureau the inspection form evidencing that the vehicle has passed. ()

c. Incident Inspection. If a vehicle incident occurs that requires an investigation and report by law enforcement, or in which the damage exceeds one thousand five hundred dollars (\$1,500), the business licensee must withdraw the vehicle from service. The business licensee may not use the vehicle for behind-the-wheel training until the vehicle passes inspection by an ASE mechanic or vehicle technician and the business licensee has submitted to the Bureau the inspection form evidencing that the vehicle has passed. ()

d. Signage. The business licensee must ensure that the outside of each vehicle is equipped with safely secured signs. Signs must include "Student Driver," "Driver Education," "Driver Training," "Driving School," or similar language that clearly designates the vehicle as a driver training vehicle. ()

07. Course of Instruction. Each applicant, for an original business license, must provide with its application the course of instruction the applicant will use when instructing students. The applicant must demonstrate, to the Board's satisfaction, that the course of instruction is designed to produce safe and effective drivers and is educationally sound. The course of instruction must be based on the minimum curriculum components outlined in Rule 226, and shall consist of: ()

a. Not less than thirty (30) hours of classroom instruction; and ()

b. Not less than six (6) hours of behind-the-wheel practice driving; and ()

c. Not less than six (6) hours of student, in-vehicle observation of other persons (e.g., parents, other student drivers, etc.) driving the vehicle. ()

08. On-line Instruction. In addition to, or in lieu of offering classroom instruction at a

physical classroom location, a business licensee may offer classroom instruction to students via the internet if the instruction content meets the requirements of these rules and is approved by the Board. ()

09. Instructor Apprenticeship Training Program. A driving business may offer a Board-approved instructor apprenticeship training program under the conditions specified in Rule 275. ()

226. DRIVING BUSINESS -- MINIMUM CURRICULUM COMPONENTS (RULE 226). In order to assure consistency among driving businesses, it is necessary that every business licensee ensure that its driver education curriculum include the following minimum curriculum components: ()

01. Component One for Classroom. ()

a. Conducting a parent/student orientation and course overview. ()

02. Component Two for Classroom. ()

a. Identifying vehicle gauges, alert, and warning symbols. ()

b. Preparing to drive. ()

c. Protecting occupants. ()

03. Component Three for Classroom. ()

a. Identifying road signs and signals. ()

b. Identifying lane markings. ()

04. Component Four for Classroom. ()

a. Understanding basic traffic laws, including right-of-way rules. ()

05. Component Five for Classroom. ()

a. Using good habits for reduced risk driving. ()

b. Using time and space management systems and strategies. ()

06. Component Six for Classroom. ()

a. Explaining the effect of gravity and energy of motion on a vehicle. ()

b. Understanding procedures to maintain vehicle balance and traction. ()

c. Identify strategies to negotiate hills and curves. ()

- 07. Component Seven for Classroom.** ()
 - a. Identifying strategies to use when driving in rural and urban environments. ()
 - b. Identifying strategies to use when driving on freeways. ()
- 08. Component Eight for Classroom.** ()
 - a. Identifying strategies to use when driving in bad weather. ()
 - b. Identifying strategies to use when encountering roadside emergencies. ()
- 09. Component Nine for Classroom.** ()
 - a. Understanding ways to cooperate with other roadway users, including bicyclists. ()
 - b. Identifying responsibilities after a collision. ()
 - c. Identifying the procedure for obtaining a driver's license. ()
 - d. Identifying and avoiding common driver distractions. ()
 - e. Identifying ways to prevent drowsiness while driving. ()
 - f. Resisting aggressive driving behaviors. ()
- 10. Component Ten for Classroom.** ()
 - a. Explaining the effects of alcohol on the body. ()
 - b. Explaining the effects of alcohol on the driving task. ()
 - c. Correlating drinking and driving with vehicle crashes. ()
 - d. Identifying Idaho laws related to drinking and driving. ()
 - e. Explaining the dangers of alcohol and other drug use. ()
- 11. Component Eleven for In-Car.** ()
 - a. Performing pre-drive procedure. ()
 - b. Identifying vehicle controls. ()
 - c. Starting the vehicle. ()

- d. Backing the vehicle. ()
- e. Demonstrating approved steering technique. ()
- f. Smoothly stopping the vehicle. ()
- g. Demonstrating proper signaling and turning technique. ()
- h. Recognizing relevant signs and markings. ()
- i. Distinguishing between four-way and two-way stops. ()
- 12. Component Twelve for In-Car. ()**
- a. Negotiating controlled and uncontrolled intersections. ()
- b. Negotiating hills and curves. ()
- c. Angle parking in a parking lot. ()
- d. Driving in rural environment. ()
- e. Making lane changes. ()
- 13. Component Thirteen for In-Car. ()**
- a. Driving in an urban environment (with one-way and two-way streets, if available). ()
- b. Dealing with signal lights, pedestrians, and city traffic. ()
- c. Performing a perpendicular park. ()
- d. Merging onto the freeway. ()
- e. Driving on the freeway. ()
- f. Exiting the freeway and merging with traffic on surface streets. ()
- 14. Component Fourteen for In-Car. ()**
- a. Performing a parallel park/street park. ()
- b. Performing turnabouts. ()
- c. Passing another vehicle. ()
- d. Driving independently with the instructor. ()

227. DRIVING BUSINESS - COURSE OF INSTRUCTION (RULE 227).

01. Student Permit Required. No enrollee of any class D driver's training course will be allowed to attend classes or participate in driving instruction unless he has obtained a class D driver's training instruction permit, or a class D instruction permit, as provided in Section 49-307(4), Idaho Code. ()

02. In-Car Documentation. A business licensee must ensure that each listed vehicle contains documentation that identifies each student and the student's permit number. Permits will be given to the students following the completion of the course and used during the required graduate licensing process. ()

03. Maximum Daily Driving and Observation Time. Neither a business licensee nor an instructor licensee may permit an enrolled student to receive more than two (2) hours of behind-the-wheel driving time per day. Maximum observation time is two (2) hours per student, per day, and may be completed with a parent or legal guardian. ()

04. Maximum Number of Students In Vehicle. Neither a business licensee nor an instructor licensee may permit more than three (3) students in a vehicle at one (1) time. ()

05. Grading Criteria. A business licensee may not permit a student to graduate from the business's driver education program unless the student has achieved an eighty percent (80%) or higher in each of the three (3) course areas described in Subsection 225.07. The business licensee must utilize written grading criteria for each of the minimum components in Rule 226. Criteria may include student attitude and such other criteria as the driving business may deem appropriate. The business licensee must maintain records of the student's grades. ()

06. Driving Log. Each driving instructor must complete a log for each student's behind-the-wheel driving and each driving business licensee must ensure that its driving instructors complete the log. The log must include, for each student, at least the student's name, birthdate, phone number, driving permit number, class date, instructor's name, lesson objective, total instruction time, total observation time, final grade, and date the student passed. ()

07. Parental Involvement. Each business licensee should encourage parental involvement in the education of the student. ()

08. Record Retention. The business licensee must maintain all logs and other records required under Rule 227 for at least three (3) years from date on which the student completes, or is no longer enrolled in, the business's driver education course. The business licensee may not release these records without written consent from the student and the student's parent or legal guardian. The Board and its agents, however, may inspect these records at any time. ()

228. DRIVING BUSINESS - INITIAL AUDIT (RULE 228).

After July 1, 2009, all new driving business licensees issued licenses will automatically be audited for compliance with the Board's laws and rules following their first renewal. ()

229. -- 249. (RESERVED).

250. DRIVING INSTRUCTOR LICENSE (RULE 250).

01. Application. Each applicant for a driving instructor license must apply as required by Rule 150. Each applicant is required to provide his name, date of birth, and contact information, including mailing address and telephone number, on the Board-approved application form. ()

02. Age. An applicant for a driving instructor license must be at least twenty-one (21) years old. ()

03. Driving Record and Drivers License. Each applicant must submit a copy of a valid driver's license in good standing and a copy of a satisfactory driving record. An unsatisfactory record includes, but is not limited to, two (2) moving violations in the past twelve (12) months, or suspension or revocation of a driver's license in the last thirty-six (36) months, or a conviction involving alcohol or controlled substances within the last thirty-six (36) months. ()

04. Criminal History Background Check. Each applicant must submit to a current, fingerprint-based criminal history check conducted by an organization approved by the Board. Each applicant must submit a full set of the applicant's fingerprints, and any relevant fees, directly to the organization that conducts the criminal history check, and ensure that the organization delivers the results directly to the Bureau. The Board will not process the application until the completed criminal history check has been received. ()

05. Medical Certificate. A driving instructor licensee may not provide in-vehicle instruction to students if the instructor suffers from a medical condition that may impair the instructor's ability to safely instruct student drivers. Accordingly, each applicant for an instructor's license must obtain a medical examination conducted in accordance with the Federal Motor Carriers Safety Regulations (49 CFR 391.41-391.49). The examination must occur within the thirty (30) days preceding the application. The applicant must submit a medical affidavit or certificate, issued and signed by a licensed, qualified medical professional documenting that the examination occurred and that the applicant does not suffer from any physical or mental condition or disease that would impair the applicant's ability to safely instruct student drivers. If a medical condition exists, the applicant must re-certify as the medical professional requires and submit that information to the Board. ()

06. Education. Each applicant must submit written evidence, satisfactory to the Board, of having graduated from a high school or a regionally or nationally accredited college or university, or of having obtained a GED. ()

07. Instructor Apprenticeship Training Program. Applicants for licensure must demonstrate to the Board's satisfaction that they have successfully completed all required classroom instruction and behind-the-wheel training hours from a Board-approved instructor apprenticeship training program. The applicant must have undertaken and completed the apprenticeship training program within the five (5) year period immediately preceding the application. ()

a. Proof of successful completion must include written certificate from a Board-approved apprenticeship training program certifying that the applicant has satisfactorily completed the program. An applicant need not have completed all required classroom instruction and behind-the-wheel training hours through a single program so long as the last program attended by the applicant ensures itself, and its business licensee certifies to the Board that the applicant has satisfactorily completed all required hours through Board-approved apprenticeship training programs. ()

b. A person may not enroll in an apprenticeship training program unless the person has applied for, paid for, and obtained an apprenticeship permit from the Board. The applicant must apply on Board-approved forms, which must identify the applicant and the business licensee in whose approved apprenticeship training program the applicant will be enrolled. An apprenticeship permit automatically expires one (1) year after issuance. The Board also may suspend or revoke an apprenticeship permit, and refuse to issue another permit, if the permittee engages in any act or omission that would subject the permittee to discipline if the permittee had an instructor's license. No one may be a permittee for more than three (3) years. ()

251. -- 274. (RESERVED).

275. INSTRUCTOR APPRENTICESHIP TRAINING PROGRAM (RULE 275).

01. Application for Approval. A business licensee may operate a Board-approved instructor apprenticeship training program. The business licensee must apply for program approval on forms provided by the Board, and submit with the application such documentation as the Board may require to enable the Board to assess whether the proposed program meets the Board's approval criteria, as specified in Subsections 275.03 through 275.08 of these rules. ()

02. Suspension or Revocation of Approval and Discipline. If an approved program fails to consistently adhere to the approval criteria in Subsections 275.03 through 275.08 of these rules, the Board may suspend or revoke the approval. Further, if a business licensee that operates an approved program fails to cooperate with the Board in any inspection or audit of the program, the licensee may be disciplined. ()

03. Apprentices. The business licensee must ensure that all persons who enroll in the licensee's program possess a valid instructor apprenticeship training permit from the Board, are at least twenty-one (21) years old, hold a valid driver license and a satisfactory drivers record, have passed a criminal history background check, and have obtained a medical certificate consistent with the requirements of Subsections 250.02 through 250.05. ()

04. Instruction and Training Hours. The Board must be satisfied that the program has designed its proposed instruction and training to produce safe and effective driving instructors. The business licensee must ensure that the program includes at least the following instruction and training components: ()

a. Each apprentice must receive at least sixty (60) hours of classroom instruction covering the curriculum components for student classroom instruction specified in Subsections 226.01 through 226.10 of these rules. These hours must include both a didactic component, in which a program instructor provides in-class instruction to the apprentice, and a practical

component in which the apprentice provides in-class instruction to students. A program instructor must be physically present in the classroom to supervise at least thirty (30) hours of the apprentice's in-class instruction to students. ()

b. Each apprentice must receive at least one hundred eight (108) hours of behind-the-wheel-training covering the curriculum components for student in-car instruction specified in Subsections 226.11 through 226.14 of these rules. When an apprentice begins to provide behind-the-wheel driving instruction to students, a program instructor must supervise the apprentice by riding in the vehicle with the apprentice and students for the first six (6) hours. A program instructor also must ride in the vehicle with the apprentice and students to evaluate the apprentice during the final two (2) hours of the apprentice's behind-the-wheel training. ()

05. Instructors. The business licensee must ensure that only licensed driving instructors with five (5) or more years of continuous driver education experience are allowed to teach in the program. A list of the instructors must accompany the application for approval. ()

06. Recordkeeping. The business licensee must ensure that the program maintains progress records for each apprentice. A program instructor and the apprentice must sign and date the records each month, and copies of the records must be provided to the apprentice. The records must, at a minimum, identify each lesson completed, the number of hours of instruction involved in the lesson, the date the apprentice completed the lesson, the instructor who taught the lesson, and whether the apprentice passed. When an apprentice's course of instruction has been completed or terminated, the program business licensee must maintain the records of the apprentice's progress, and the total hours recorded and maintained by the program for a period of five (5) years from completion or termination date. These records are subject to inspection by the Board at any time. ()

07. Certificate of Proficiency. The program must provide each apprentice with a certificate of proficiency evidencing all hours satisfactorily completed by the apprentice while in the program, and that the apprentice is proficient in all areas covered by the certificate. ()

08. Discontinuance of Program. If the business licensee ceases to operate the program, the business licensee must provide the program's current and prior apprentices with any progress or other records that the program is required to maintain under this Section. ()

276. -- 449. (RESERVED).

450. DISCIPLINE (RULE 450).

01. Grounds for Discipline. In addition to the grounds for discipline listed in Section 54-5408, Idaho Code, grounds for discipline also include: ()

a. Failure to cooperate with an inspection or audit conducted by the Board or its agents including, without limitation, any continuing education audit, as specified in Section 54-5403(6), Idaho Code. Failure to cooperate includes, without limitation, failure to provide documentation requested by the Board or its agents during an inspection or audit of the licensee's compliance with Board laws or rules. ()

b. Violating any of the following standards of conduct that have been adopted by the Board: ()

i. A licensee must not use fraud or deception in procuring or renewing, or in attempting to procure or renew, a license, permit, or other authorization issued by the Board. ()

ii. A licensee must not aid, abet, or assist any person or entity in conduct for which a license or permit is required under Idaho Driving Businesses Act, unless the person or entity has the required license or permit. ()

iii. A licensee must comply with final orders of the Board issued in contested cases to which the licensee is a party. ()

02. Disciplinary Sanctions. If the Board determines that grounds for discipline exist, it may impose disciplinary sanctions against the licensee including, without limitation, any or all of the following: ()

a. Revoke or suspend the licensee’s license(s); ()

b. Restrict or limit the licensee’s practice; ()

c. Require the licensee to pay an administrative fine not to exceed one thousand dollars (\$1000) for each violation identified in the Board’s order. ()

d. Require the licensee to pay all or part of the costs and fees incurred by the Board in the investigation and prosecution of the licensee, including without limitation, all costs and fees incurred by the Board in proceedings upon which the order was entered. ()

451. -- 999. (RESERVED).

APPENDIX “A”

**IDAHO DRIVING BUSINESSES LICENSURE BOARD VEHICLE
 INSPECTION REPORT**

	DATE
BUSINESS OWNER/OPERATOR AND BUSINESS NAME	INSPECTORS NAME (PRINT OR TYPE)
ADDRESS	
CITY, STATE, ZIP CODE	VEHICLE IDENTIFICATION (LIC. PLATE NO. & VIN)
VEHICLE TYPE (YEAR, MAKE and MODEL)	ODOMETER READING

VEHICLE COMPONENTS INSPECTED

OK	Needs Repair	Repaired Date	Item	OK	Needs Repair	Repaired Date	Item	OK	Needs Repair	Repaired Date	Comments
			1. BRAKES SYSTEM				7. LIGHTING DEVICES				List any other condition which may prevent safe operation of this vehicle and whether or not the repair has been made.
			a. service brakes				a. headlights high and low beam				
			b. parking brake system				b. brake lights				
			c. brake drums/rotors/pads				c. taillights				
			d. brake hoses				d. turn signals				
			e. brake tubing				e. parking lights				
			f. low pressure warning device				f. other				
			g. hydraulic brakes				8. SUSPENSION				
			h. vacuum system				a. Any damaged or loose U-bolt(s), spring hangers or other part(s) that may cause axle to shift				
			i. dual control brake with stopping distance 20mph				b. spring assembly				
			2. EXHAUST SYSTEM				c. torque, radius or tracking components				
			a. any exhaust system determined to be leaking				d. wheel alignment				
			b. emission control				9. ELECTRICAL SYSTEM				
			3. FUEL SYSTEM				a. horn				
			a. visible leak				b. switches				
			b. fuel tank cap missing				c. wiring				
			4. STEERING MECHANISM				d. starting system				
			a. steering wheel free play				10. VISIBILITY				
			b. steering column				a. dual side view mirrors				
			c. front axle beam and all steering components other than steering column				b. rearview mirror				
			d. steering gear box				c. inside instructor mirror				
			e. pitman arm				d. windshield wipers				
			f. power steering				c. defroster				
			g. ball and socket joints				11. INTERIOR				
			h. tie rods and drag links				a. seatbelts for all occupants				
			i. nuts				b. airbag readiness light				
			j. steering system								
			5. TIRES								
			tire condition and wear								
			6. WINDSHIELD GLAZE								
			cracks, discoloration or lack of clarity								

Mechanic Verification

I verify I have inspected this vehicle and completed this form. I certify that the vehicle appears to be in a safe and proper operating condition, and that each inspected item passed inspection, or if found to be in need of repair, was repaired on the date indicated.

Print Name _____ ASE ID # _____ Signature _____